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DO NOT ENTER: /JLS/

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:) Before the Examiner:
Charles L. Branch et al.) James L. Swiger III
)
Application Serial No. 10/645,413) Group Art Unit 3733
)
Filed: August 21, 2003) Ref. No. MSDI-214/
) PC365.06
)
INTERBODY FUSION GRAFTS) November 26, 2008
AND INSTRUMENTATION)

RESPONSE TO NON-FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated October 3, 2008, please consider the following amendments and remarks. Additionally, please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

November 26, 2008

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

November 26, 2008

Date of Signature

/James L. Swiger/

01/21/2009